

Appl. No. 09/887,172  
Amtd. Dated April 27, 2006  
Reply to Office Action of October 27, 2005

Docket No. CE08961R

**Claim Status**

Claims 1-11 and 19 are cancelled. Claims 12, 18, and 20 have been rewritten. Claims 12-18, and 20-27 remain in the application.

**REMARKS/ARGUMENTS**

Claims 12, 14-16, 18, and 21-23 were rejected under 35 USC 103(a) as being obvious in view of Silvestri (2002/0119792) in view of Tiedemann. Claim 13 was similarly rejected in further view of Song (2001/0008523). Claim 17 was similarly rejected over Silvestri and Tiedemann, in further view of Mysore (6,304,558).

Claims 20 and 24-27 were found to be allowable.

Applicant has amended claims 18 and 20 to address the objections and 35 112, second paragraph issues identified in the Rejection.

Applicant has further amended claims 12 and 18 to include a key limitation formerly recited in claim 20, which is that the talk permission message is transmitted prior establishing a traffic channel between the originating CDMA mobile communication device and the fixed equipment network. Silvestri shows a channel grant message MAC\_CON\_CFM, but does not show independently the transmission of a talk permission message prior to transmitting the MAC\_CON\_CFM message. Tiedemann likewise does not show transmission of talk permission message prior to a traffic channel grant.

With regard to Tiedemann, which shows routine and well-known CDMA operation, including pilot strength measurement. However, Applicant's invention premises transmission of a talk permission message on the pilot measurement indicating a sufficiently high power level. This use of the pilot measurement is not shown, suggested, or taught by Silvestri, Tiedemann, or a combination of those references.

As the references do not show transmission of a talk permission message prior to establishment of a traffic channel between the originating mobile communication device and the fixed equipment network, and because neither reference, alone in combination, show transmitting a talk permission message in response to the pilot strength being high enough, Applicant believes the claims as amended are allowable over the cited references.

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The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

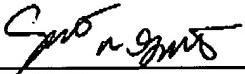
In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge any fee due, or credit any overpayment, to Motorola, Inc., Deposit Account Number 50-2117.

Respectfully submitted,

SEND CORRESPONDENCE TO:

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